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The Story Behind the Nixon Pardon

The controversial pardoning of Richard M. Nixon aborted the trial of the century. Had it not been for the pardon, according to inside sources, the special prosecutor definitely would have indicted the former President for obstruction of justice.

Instead of the epic court drama, Nixon has now presented his case to the nation via television. He told interviewer David Frost that he considered himself under oath. If Nixon had really sworn to tell the truth, he could be indicted for perjury. We counted at least a dozen misstatements.

Perhaps the most dramatic was Nixon's account of the pardon. From the private notes and recollections of the man who negotiated the pardon on President Ford's behalf, we can now cite the discrepancies.

Ford's personal lawyer, Benton Becker, kept a careful record of his visit to San Clemente in September, 1974, to discuss the pardon and the disposition of the Nixon tapes. Becker flew to California with the ex-President's attorney, Herbert J. Miller. Although they arrived shortly before midnight, they immediately went into a three-hour huddle with Nixon aide Ronald L. Ziegler.

The talks resumed the following morning in Ziegler's office. Frequently, Ziegler and Miller slipped out of the room for whispered consultations.

Nixon later told David Frost that a pardon "isn't, of course, . . . necessarily an admission of guilt." This idea, he said, was "legalistic pettifoggery."

On the contrary, Becker made plain to Nixon's negotiators before the par-

don was granted that it would constitute an admission of guilt. He even provided Miller with the leading Supreme Court decision on the question — a 1915 case involving a newsman who refused to testify.

To guarantee him immunity, the prosecutor got President Woodrow Wilson to sign a pardon for the reporter. But the newsman rejected it as an admission of guilt. The Supreme Court, agreeing with the newsman, declared that a presidential pardon "carries with it an imputation of guilt" and acceptance of a pardon amounts to "a confession of (guilt)."

Nixon told Frost of his agony as he debated whether to sign the pardon. "When you receive a pardon," explained the former President, "you have to sign a piece of paper that says, 'I accept the pardon.'"

He related, with pain in his voice, that he almost turned down the pardon to stand trial on criminal charges. "It was a terribly difficult decision for me," he said. "I sat for an hour in the chair by myself. I asked Miller to leave the room." After this hour of agonizing, said Nixon, he told Miller: "Well, okay, I'll do it." And so I signed it.

In fact, Nixon never signed a pardon at all. The only paper he signed at San Clemente was an agreement with the government, establishing dual ownership of his papers and tapes.

Becker's notes also dispute Nixon's dramatic account of his last-minute soul-searching. Before Becker and Miller arrived at San Clemente, Nixon had already indicated through his counsel that he wanted a pardon. It was Nixon's interest in getting par-

doned that prompted President Ford to send Becker to San Clemente.

Not until the negotiations were completed did Nixon, looking fatigued and forlorn, make a personal appearance. He was despondent and disoriented. "Thank you for being fair," he murmured to Becker. "You are a fine young man."

Later the deposed President asked again to see Becker, who was ushered into a sparse office. Nixon greeted him solemnly.

"Mr. Becker," he said, "you have been a gentleman. You haven't been a bully. I have had my share of bullies. I want to give you something." Then he extended both arms toward the sparse office walls. "But I don't have anything," he said, his voice almost breaking. "They took it all away."

Swallowing hard, Nixon pulled open a desk drawer and produced a pair of cheap presidential cufflinks and a tie-pin. He handed these dramatically to Becker. "Pat took these from my jewelry box," said Nixon sadly. "Hang on to them. They are the last ones in the world."

Back in Washington, Becker reported to President Ford on his San Clemente experience. Ford had already decided to grant the pardon. But he added to his statement, as another reason for the pardon, "the threat to (Nixon's) health."

Footnote: Miller refused comment on his dealings with his famous client. Friends of Nixon recall that he had severe qualms at the moment of accepting the pardon. One friend told us that Nixon had considered fighting for his freedom in the courts.